

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARTIN J. BIBBS,

Plaintiff,

v.

W. J. SULLIVAN, et al.,

Defendants.

Case No.: 1:21-cv-01145-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN CLAIMS AND DEFENDANTS

(ECF No. 15)

Plaintiff Martin J. Bibbs (“Plaintiff”) is proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 13, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that Defendants Sullivan, Gonzalez, Tyree, Hernandez, Baniga, Boutte, Leiva, Razo and Jones be dismissed from this action, and that the action proceed only on Plaintiff’s Eighth Amendment claims against Defendants Eaton, Rubalcava, and Chavez for deliberate indifference to serious medical needs, and that all other claims and defendants should be dismissed from the action. (ECF No. 15.) The Magistrate Judge provided Plaintiff 14 days within which to file any objections to the findings and recommendations. (*Id.* at 2.) No objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and

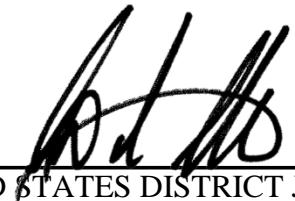
recommendations to be supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on March 13, 2023, (ECF No. 15), are ADOPTED in full;
2. Defendants Sullivan, Gonzalez, Tyree, Hernandez, Baniga, Boutte, Leiva, Razo, and Jones are DISMISSED from this action;
3. The claims in Plaintiff's complaint are DISMISSED, *except* for the Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Eaton, Rubalcava, and Chavez, in their individual capacities; and
4. The matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 1, 2023

  
UNITED STATES DISTRICT JUDGE